

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

TRUSTEES OF THE PLUMBERS &	§
PIPEFITTERS LOCAL UNION NO. 286	§
HEALTH AND WELFARE FUND,	§
TRUSTEES OF THE PLUMBERS &	§
PIPEFITTERS LOCAL UNION NO. 286	§
MONEY PURCHASE PLAN,	§
TRUSTEES OF THE AUSTIN PLUMBERS	§
& PIPEFITTERS AREA JOINT	§ Case No. 4:16-CV-911-ALM-KPJ
APPRENTICE COMMITTEE TRUST FUND,	§
TRUSTEES OF THE PLUMBERS AND	§
PIPEFITTERS NATIONAL PENSION FUND	§
AND INTERNATIONAL TRAINING FUND,	§
 Plaintiffs,	§
 V.	§
 JEREMY R. HOBSON, INDIVIDUALLY,	§
AND C. JOSEPH INDUSTRIES, LLC	§
 Defendants	§

**ORDER AND REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is Plaintiffs Trustees of the Plumbers and Pipefitters Local Union No. 286 Health and Welfare Fund, Trustees of the Plumbers & Pipefitters Local Union No. 286 Money Purchase Plan, Trustees of the Austin Plumbers & Pipefitters Area Joint Apprentice Committee Trust Fund, Trustees of the Plumbers and Pipefitters National Pension Fund, and the International Training Fund's (collectively, "Plaintiffs") Motion to Compel Defendant C. Joseph Industries, LLC to Respond to Post-Judgment Discovery Requests (Dkt. 18) and Plaintiff's Motion to Compel Defendant Jeremy R. Hobson to Respond to Post-

Judgment Discovery Requests (Dkt. 19) (collectively, the “Motions”). As set forth below, the Court recommends that both Motions be **GRANTED**.

A final default judgment in favor of Plaintiffs and against Defendants C. Joseph Industries, LLC and Jeremy R. Hobson (collectively, “Defendants”) was entered on July 11, 2017. *See* Dkt. 16. The Motions assert that Defendants have failed to comply with Plaintiffs’ properly served post-judgment discovery requests, and request the Court to issue an order compelling a response and for sanctions. *See* Dkts. 18 and 19).

On January 16, 2018, the Court issued an Order (Dkt. 20) directing any party opposed to the Motions to file a response, if any, within seven (7) days of receipt of the Order. *Id.* The record indicates that both Defendants were served on January 19, 2018. *See* Dkts. 21 and 22. Thus, the deadline to file a response was January 26, 2018. Defendants have not filed a response. Defendants’ failure to oppose the motion creates a presumption that Defendants do not controvert the facts set out by the Motions and have no evidence to offer in opposition to the Motions. *See* E.D. TEX. L. R. CV-7(d).

Based on the foregoing, the Court recommends that Plaintiffs’ Motion to Compel Defendant C. Joseph Industries, LLC to Respond to Post-Judgment Discovery Requests (Dkt. 18) should be **GRANTED**, and Plaintiffs’ Motion to Compel Defendant Jeremy R. Hobson to Respond to Post-Judgment Discovery Requests (Dkt. 19) should be **GRANTED**.

The Court further recommends that Defendant Jeremy R. Hobson, Individually, should be ordered to serve upon Plaintiffs his responses to Plaintiffs’ Post-Judgment Interrogatories and Requests for Production of Documents.

The Court further recommends that Defendant Jeremy R. Hobson, Individually, should be ordered to pay to Plaintiffs the sum of **ONE THOUSAND FIVE HUNDRED AND NO/100**

DOLLARS (\$1,500.00) for attorneys' fees incurred in the preparation and filing of Plaintiffs' Motion to Compel against him.

The Court further recommends that Defendant C. Joseph Industries, LLC should be ordered to serve upon Plaintiffs its responses to Plaintiffs' Post-Judgment Interrogatories and Requests for Production of Documents.

The Court further recommends that Defendant C. Joseph Industries, LLC should be ordered to pay to Plaintiffs the sum of **ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$1,500.00)** for attorneys' fees incurred in the preparation and filing of Plaintiffs' Motions to Compel against it.

Finally, the Clerk's office is **ORDERED** to send a copy of this Order and Report and Recommendation via certified mail, return receipt requested to:

Jeremy R. Hobson,
5854 Bicentennial
San Antonio, Texas 78219;

and

C. Joseph Industries, LLC, by and through its registered agent, Jeremy R. Hobson
5854 Bicentennial
San Antonio, Texas 78219.

Within fourteen (14) days after service of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

A party is entitled to a *de novo* review by the district court of the findings and conclusions contained in this report only if specific objections are made, and failure to timely file written objections to any proposed findings, conclusions, and recommendations contained in this report shall bar an aggrieved party from appellate review of those factual findings and

legal conclusions accepted by the district court, except on grounds of plain error, provided that the party has been served with notice that such consequences will result from a failure to object.

Id.; Thomas v. Arn, 474 U.S. 140, 148 (1985); *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

SIGNED this 8th day of February, 2018.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE